

March 4, 1999

Barbara A. Schermerhorn
Clerk

NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

IN RE MARCUS WAYNE VANN,
doing business as Vann Enterprises,
and doing business as Vann's Lawn
Service; and STEPHANIE JOY
VANN,

Debtors.

BAP No. KS-98-081

MARCUS WAYNE VANN and
STEPHANIE JOY VANN,

Plaintiffs - Appellants,

v.

U.S. DEPARTMENT OF
EDUCATION,

Defendant - Appellee.

Bankr. No. 93-12063
Adv. No. 97-5205
Chapter 13

ORDER AND JUDGMENT*

Appeal from the United States Bankruptcy Court
for the District of Kansas

Before CLARK, BOHANON, and MATHESON, Bankruptcy Judges.

MATHESON, Bankruptcy Judge.

After examining the briefs and appellate record, the Court has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. Bankr. P. 8012; 10th Cir. BAP L.R. 8012-1(a). The case is therefore ordered submitted without oral argument.

* This order and judgment has no precedential value and may not be cited, except for the purposes of establishing the doctrines of law of the case, res judicata, or collateral estoppel. 10th Cir. BAP L.R. 8010-2.

The debtors, Marcus Wayne Vann and Stephanie Joy Vann, appeal an order of the United States Bankruptcy Court for the District of Kansas determining that the debtors' confirmed Chapter 13 plan did not have the effect of discharging the debtors' obligations to the U.S. Department of Education. This Court affirms the judgment of the bankruptcy court and adopts and incorporates herein by reference the cogent findings and conclusions entered by that court on October 15, 1998, pursuant to its Memorandum of Decision Granting Sanctions and Determining Effect of Plan Provision.